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Agenda item 105
Measures to eliminate international terrorism

Security Council
Sixty-eighth year

Identical letters dated 12 March 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I wish to draw your attention to the following:

Increasing quantities of weapons have been provided directly to extremist terrorists of the Nusrah Front, who have been spreading terrorism in Syria, shedding Syrian blood, targeting the State apparatus and destroying infrastructure and public and private property. Drawing on an extremist *takfirist* ideology, they seek to thwart the comprehensive national dialogue that the Syrian leadership and Government are working to promote, which is the only solution to the crisis. The Syrian Government has sent you numerous letters detailing those practices, which fall under the definition of aggression contained in General Assembly resolution 3314 (XXIX). In particular, our letter of 6 March 2013 (A/67/873-S/2013/137) described the destabilizing role of the Turkish Government.

It is worth noting that the foreign-backed violence perpetrated by the armed terrorist groups has escalated in proportion to the progress made towards a political solution. While my country's Government has been working intensively to create the conditions and provide guarantees for national dialogue among Syrians, the pronouncements of United States officials have grown more strident, and the European Union and League of Arab States have called openly for the armed terrorist groups to receive greater military and logistical support. The groups' daily and systematic destruction of Syrian State facilities, using European weapons, is perhaps the clearest sign they are receiving weapons from those same States that maintain an arms embargo on Syria. Similarly, the Minister for Foreign Affairs of Saudi Arabia, Saud Al-Faisal, stated last week that his country would continue to arm the terrorist groups in Syria. The Foreign Secretary of the United Kingdom, speaking before his country's Parliament, has referred to the training of armed men in Syria. The European Union has decided to sell, provide, transfer or export "non-lethal military equipment" to Syria, in another clear sign of its vaguely worded

support for terrorists. Speaking in Saudi Arabia, the Secretary of State of the United States of America said that his country supported the transfer of weapons to "moderate groups", raising genuine questions about his country's commitment to a peaceful solution to the Syrian crisis and to combating terrorism, including the Nusrah Front, which it has defined as a branch of the terrorist organization Al-Qaida. At the same time, the European and international media have reported growing evidence that such countries as Saudi Arabia and Qatar are conveying to the terrorist groups consignments of weapons received from such States as Belgium, Croatia, Switzerland and the Ukraine; that Turkey has been sheltering and training terrorists and facilitating arms transfers into Syria; and that the European Union countries and the United States of America have allocated millions of dollars to military support, training and political cover for the groups. In yet another example, the League of Arab States adopted a resolution at the end of its meeting of 6 March 2013 that contravenes international law and the Charter of the United Nations to an unprecedented degree by enshrining "the right of all States, to the extent that they wish, to provide all forms of self-defence, including military support, to bolster the Syrian people and the Free Army".

Those practices, and the decisions taken by the regional organizations, point to a flagrant intervention in internal Syrian affairs and a blatant violation of the Charter and resolutions of the United Nations, the principles of international law and the role of regional organizations under the Charter. They clearly and overtly contravene the counter-terrorism resolutions of the Security Council and General Assembly, in particular Security Council resolution 1373 (2001).

The Syrian Arab Republic emphasizes that the insistence of certain Arab and Western States on supporting terrorism, which is responsible for the extensive destruction in Syria and the shedding of Syrian blood, will have grave repercussions. That situation calls into question their claim to support a peaceful solution to the crisis in Syria. An end to the violence of the armed terrorist groups is essential for the success of the national dialogue. The violence can be ended only by cutting off the terrorists' lifeline by putting pressure on the States that support terrorism in Syria, whether directly or through such misleading terms as "non-lethal military equipment", in pursuance of American plans inconsistent with any claim to support a political solution to the crisis. The Syrian Arabic Republic hopes that the Council will play an effective role in order to preserve the credibility of the international community in combating terrorism, ensure respect for its binding resolutions and enforce the Organization's commitment to support efforts to resolve the crisis through political means and national Syrian-led dialogue among Syrians.

I should be grateful if this letter could be circulated as a document of the General Assembly, under agenda item 105, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of the
Syrian Arab Republic to the United Nations

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General Assembly
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General Assembly
Sixty-seventh session
Agenda item 65 (a)
Promotion and protection of the rights of children

Security Council
Sixty-eighth year

Letter dated 13 March 2013 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

I have the honour to submit to you the report of the workshop, Children and Armed Conflict: How to Deal with Persistent Perpetrators?, convened by the Permanent Mission of Liechtenstein to the United Nations, the Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist on 7 and 8 February 2013, at Princeton University, United States of America (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 65 (a), and of the Security Council.

(*Signed*) Christian **Wenaweser**
Ambassador
Permanent Representative

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Annex to the letter dated 13 March 2013 from the Permanent Representative of Liechtenstein to the United Nations, addressed to the Secretary-General

Report of the workshop, Children and Armed Conflict: How to Deal with Persistent Perpetrators?

7 and 8 February 2013, Princeton University, United States of America

I. Introduction

1. The Permanent Mission of Liechtenstein to the United Nations, the Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist convened a workshop on children and armed conflict on 7 and 8 February 2013 at Princeton University in Princeton, New Jersey, United States of America. The workshop brought together representatives of States members of the United Nations, including members of the Security Council, offices and departments of the Secretariat (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Department of Peacekeeping Operations, the Department of Political Affairs and the Office for the Coordination of Humanitarian Affairs), academics and non-governmental organizations to discuss strengthening Security Council action towards perpetrators of violations against children in situations of armed conflict.

2. The workshop comprised public sessions on 7 February to introduce a wider audience to the plight of children affected by armed conflict and two closed sessions on 8 February. In the first session, on 8 February, experts examined options and explored innovative and targeted approaches that the Security Council and its Working Group on Children and Armed Conflict could use to put pressure on persistent perpetrators of violations against children in situations of armed conflict. At the second session, discussions focused on opportunities for better mainstreaming the protection of children affected by armed conflict throughout the work of the Security Council. The present report summarizes the discussions in those sessions and provides recommendations for strengthening Security Council action in dealing with perpetrators of violations against children in situations of armed conflict.

II. Towards an innovative and targeted approach to address persistent perpetrators of violations of the rights of children in armed conflict

3. The first session of the workshop concentrated on the issue of so-called persistent perpetrators, namely, those who had been listed for five or more years in the annexes to the Secretary-General's annual reports on children and armed conflict.

4. It was recalled that, in its resolutions 1998 (2011) and 2068 (2012), the Security Council requested the Working Group on Children and Armed Conflict to consider, with the support of the Special Representative of the Secretary-General for Children and Armed Conflict, within one year, a broad range of options for

increasing pressure on persistent perpetrators of violations and abuses committed against children in situations of armed conflict. Participants in the workshop, including members of the Working Group, expressed the intention that the discussion in the first session would assist the Working Group in identifying appropriate options for dealing with different types of perpetrators.

5. As a starting point for discussion, participants referred to options afforded by the "toolkit" adopted by the Working Group on Children and Armed Conflict (see S/2006/724, annex) in 2006. It was noted that the toolkit was underutilized and that there was a lack of understanding and analysis of how tools were used and their effectiveness in different situations. Participants welcomed the recommendations to increase pressure on persistent perpetrators put forward in a report in 2012 by Ambassador Jean-Marc de la Sablière, former Permanent Representative of France to the United Nations.[1] Ambassador de la Sablière's report has not yet been published as a United Nations document. Participants noted that United Nations endorsement of the report and its findings would amount to a first significant step towards the realization of its recommendations.

6. On the basis of the toolkit and Ambassador de la Sablière's recommendations, participants discussed generally the range of options available to the Security Council and its Working Group for dealing with persistent perpetrators. Noting that there was considerable variety among perpetrators and that not all perpetrators would respond similarly to the same options, participants sought to identify appropriate tools for targeting specific perpetrators in different situations. Recommendations for possible action, summarized below, were identified in the following areas: (a) Security Council leadership and engagement in respect of children and armed conflict; (b) the Working Group on Children and Armed Conflict and its toolkit usage; (c) action plan conclusion and implementation; (d) the use of targeted measures; and (e) the role of the International Criminal Court.

A. Security Council leadership and engagement in respect of children and armed conflict

7. Participants noted that, in delegating the issue of children and armed conflict to its Working Group, the political engagement of the Security Council in respect of the protection of children in armed conflict had diminished. The following suggestions were made, with a view to increasing the Council's leadership and engagement:

(a) **Mainstream children and armed conflict concerns in all relevant Security Council resolutions.** Participants noted the important role of pen holders in including concerns relating to children and armed conflict in initial draft resolutions and stressed that all Council members should contribute to mainstreaming throughout negotiation processes. The issue of mainstreaming was discussed further in session 2 (see below);

(b) **Incorporate a children and armed conflict dimension in the terms of reference and reports of Security Council field visits.** The Special Representative of the Secretary-General for Children and Armed Conflict should brief Council

[1] See Security Council engagement on the protection of children in armed conflict: progress achieved and the way forward, June 2012, available from http://childrenandarmedconflict.un.org/publications/Delasabliererereport_en.pdf.

members in informal consultations on concerns relating to children and armed conflict prior to the Council's trip. The Special Representative could also send a letter to the President of the Council outlining her concerns as well as any other issues to take up with the host Government and relevant stakeholders in-country;

(c) **Raise the issue of children and armed conflict in the context of the informal expert group on the protection of civilians in armed conflict.** Briefings to the Security Council informal group on the protection of civilians by the Office for the Coordination of Humanitarian Affairs were noted as a positive example in raising issues concerning children and armed conflict outside of the regular Working Group framework. Participants encouraged further involvement of the Office of the Secretary-General for Children and Armed Conflict with the expert group, including by allowing staff from the Office of the Special Representative of the Secretary-General to attend the briefings;

(d) **Encourage thematic discussion of persistent perpetrators at the Security Council level.** The Council could select a thematic focus on persistent perpetrators for its annual open debate on children and armed conflict and organize regular special informal consultations on the issue;

(e) **The Chair of the Working Group should consider the possibility of regularly briefing the Council during informal consultations on activities of the Working Group, including on challenges if relevant.**

B. Security Council Working Group on Children and Armed Conflict and its toolkit

8. Participants noted that there was room for improvement in the Working Group's use of the toolkit, including both in the range of tools used and in ensuring adequate follow-up.[2] Two of the challenges to making better use of the toolkit were the need to achieve consensus in the Working Group and lack of information as to the effectiveness of the different tools. The following suggestions were made:

(a) All outgoing letters, requests or démarches by the Working Group could include requests for feedback, in writing, from the parties concerned;

(b) The Working Group should continue the practice of field trips in order to enhance interactions between New York and the field. Member States should ensure that the necessary resources are included in their budget calculations;

(c) The Working Group could make better use of press conferences to highlight specific issues and to raise awareness about violations against children in armed conflict and obligations of parties to conflicts with respect to children under international humanitarian and human rights law. In the absence of consensus on a press statement, the Chair could read out public statements on each adopted conclusion to the press, thus raising its profile;

(d) The Chair could also make a statement in his or her national capacity;

(e) The Working Group should dedicate at least one session a year to the issue of persistent perpetrators;

[2] For more information on the Security Council Working Group and its working methods, see "Working methods 2006-2012: Strengthening the impact of the Security Council Working Group on Children and Armed Conflict" (Watchlist on Children and Armed Conflict, January 2013).

(f) The Working Group could continue to encourage visits by the Special Representative of the Secretary-General for Children and Armed Conflict to situations of concern to present recently adopted conclusions to relevant stakeholders and to ensure concrete and timely follow-up activities.

C. Action plan conclusion and implementation

9. Participants underlined the need to ensure consistent and coordinated action by all actors in encouraging the conclusion and implementation of action plans to halt violations and in taking other actions against perpetrators who do not conclude or implement action plans. The following suggestions were made:

(a) The Special Representative of the Secretary-General for Children and Armed Conflict should continue to engage with parties to conflict on action plans and their implementation, including with persistent perpetrators, where possible, and with countries to push for conclusion or implementation of action plans;

(b) The Working Group could request specific follow-up reports of the Secretary-General or briefings by the Special Representative of the Secretary-General for Children and Armed Conflict on specific perpetrators or on challenges in action plan implementation;

(c) The Resident Coordinator or Special Representative of the Secretary-General for a specific country could be invited to brief the Security Council or its Working Group, in person or via video link, on progress made in terms of persistent perpetrators active in the country;

(d) Close cooperation should be encouraged between United Nations country task forces on monitoring and reporting and other entities engaged in ending violations against children such as the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization or the World Health Organization, with a view to including them in the task forces;

(e) The United Nations should ensure adequate support to action plan implementation through appropriately staffed country teams, strengthened peacekeeping missions and enhanced engagement by resident coordinators;

(f) Bilateral diplomacy at the country level by the Member States concerned should target action plan conclusion and implementation. The establishment of a "group of friends" in the Democratic Republic of the Congo was noted as a positive example that could be replicated in other situations. Conditionality policies on bilateral aid were highlighted as an influential tool for accelerating action plan conclusion or implementation;

(g) External actors, including Member States, engaged in supporting peace negotiations or having other contacts to perpetrators could be mobilized to support action plan conclusion and implementation;

(h) Members of the Council shall ensure that concerned Governments facilitate access to allow for the conclusion of action plans. Where Governments continue to refuse access, alternative measures should be explored with the aim of sustainably ending violations.

D. Use of targeted measures

10. Participants noted that targeted sanctions could be an effective tool to increase pressure on persistent perpetrators. It was recalled that, in the discussions leading to the adoption of Security Council resolution 1612 (2005), the creation of a thematic sanctions committee was initially proposed but did not rally consensus. The creation of the Working Group on Children and Armed Conflict was retained as a compromise. While participants agreed that a thematic sanctions regime would still be very difficult to achieve politically, the notion that it should remain a goal to work towards was also supported. In addition, participants noted that much better use could be made of existing sanctions committees. Specific recommendations regarding the use of targeted measures included:

(a) The Council should include grave violations against children as designation criteria in all current and future relevant sanctions committees;

(b) The Special Representative of the Secretary-General should continue to regularly share information on grave violations against children with relevant sanctions committees;

(c) In this regard, the Secretary-General should ensure that the monitoring and reporting mechanism is geared towards providing all necessary elements for Member States to consider the designation of individuals whose names are brought before the sanctions committees by the Special Representative of the Secretary-General;

(d) The Working Group should also share information regarding child rights violations with relevant sanctions committees, for example, by forwarding country-specific conclusions to the relevant sanctions committee;

(e) All Council members should consider submitting names of individuals or groups for sanctions and/or respond to proposed designations by other members;

(f) Sanctions committees should consider updating the public narratives attached to designated individuals or groups to include grave violations against children, where relevant to the Committee's mandate.

E. Role of the International Criminal Court

11. It was noted that, in situations where violations against children had ceased, affected communities continued to feel the importance of holding perpetrators accountable. In this context, national courts have a primary responsibility. The United Nations and donors should assist in strengthening national judicial capacities to ensure accountability and support the development of child protection legislation that includes the criminalization of grave violations against children. The Working Group was urged to support ensuring accountability through national courts and to encourage strengthening of national judicial capacities. However, in contexts where national courts still lack the technical capacities or where the political situation does not allow these courts to perform their functions adequately, the International Criminal Court has a crucial role to play. In this regard, it was also noted that the International Criminal Court has limited capacities but that positive complementarity and synergies between the Court and the Working Group should be explored. When the Security Council is referring situations to the International

Criminal Court, it should not preclude United Nations financing of resulting investigations and prosecutions.

12. Participants noted Ambassador de la Sablière's recommendations for further cooperation between the Working Group on Children and Armed Conflict and the International Criminal Court. The Court already has jurisdiction in 124 countries, including some where the rights of children are violated. While Security Council referrals of situations to the Court had taken place on two occasions only, the mere threat of prosecution was seen as a potentially valuable tool for putting pressure on persistent perpetrators. It was noted that there was wide scope for cooperation between the Working Group and the Court. It was suggested that the Working Group could take the following actions to make better use of the International Criminal Court in addressing perpetrators of violations against children:

(a) Note that violations against children constitute war crimes or crimes against humanity within the jurisdiction of the International Criminal Court;

(b) Invite States parties to the Rome Statute of the International Criminal Court to refer a situation to the Court or invite the International Criminal Court Prosecutor to consider examining situations of grave violations against children in situations of armed conflict;

(c) Invite the Prosecutor or Deputy Prosecutor to brief the Working Group;

(d) Encourage the continued exchange of information between the Prosecutor and the Special Representative of the Secretary-General for Children and Armed Conflict;

(e) Transmit conclusions of the Working Group to the International Criminal Court Prosecutor.

III. Child protection language in United Nations-mandated missions: review and scope for improvement

13. The second session of the workshop examined how children and armed conflict concerns can be better mainstreamed in the Security Council's country-specific work. The need for better mainstreaming had been highlighted in the morning session as well as during the Security Council's previous open debate on children and armed conflict. It was pointed out that resolutions authorizing or renewing mission mandates are prime targets for mainstreaming for two reasons. First, it is important to have missions properly empowered to address child protection concerns. Second, mission mandate resolutions frequently serve as the primary point of entry for the Council in addressing country situations.

14. Participants drew attention to the fact that children and armed conflict experts in Security Council missions lack the time needed to follow each country situation in significant detail. Several participants welcomed the new monthly updates on children and armed conflict from Watchlist (see http://watchlist.org/advocacy/monthly-updates) for providing handy alerts on forthcoming issues combined with useful recommendations for action by the Security Council or Member States. The importance of pen holders receiving such recommendations as early as possible in order to incorporate them in the zero drafts of resolutions was also emphasized. It was noted that the involvement of Security Council coordinators could help to

mainstream children and armed conflict by facilitating a dialogue between country-specific and thematic experts within missions.

15. Watchlist introduced a draft checklist for developing children- and armed conflict-friendly Security Council resolutions (see enclosure). The draft checklist was based on Council resolutions relating to children and armed conflict (including resolutions 1612 (2005), 1882 (2009) and 1998 (2011)) and included ongoing revisions to the checklist contained in the children and armed conflict smartphone application developed by Watchlist and Liechtenstein. On the basis of this checklist, participants examined Council resolutions mandating the United Nations Assistance Mission in Afghanistan (UNAMA) and the African Union Mission in Somalia (AMISOM), both of which would be due for renewal in March 2013.

16. Regarding UNAMA, participants highlighted the need for the mission to prioritize support to action plan implementation. They noted that the elimination of the child protection section and child protection advisers in the mission hindered the timely implementation of the action plan signed by the Government. In that regard, they reiterated the importance of ensuring a stand-alone child protection capacity within the mandate structure. They also highlighted the need to take into greater account concerns of children in relation to ongoing and future peace process efforts. Participants supported the continued inclusion, called for in resolutions 1612 (2005), 1882 (2009) and 1998 (2011) of children and armed conflict as a specific aspect of the Secretary-General's mission reports, as this also reinforces the call for enhanced mainstreaming of the issue within the Permanent Missions in New York.

17. Regarding AMISOM, participants noted the ongoing discussions of the future United Nations presence in Somalia and its relationship to AMISOM. Participants recognized that strong child protection capacity within the new United Nations presence in Somalia is critical for the successful implementation of the two action plans signed by the Government of Somalia and for ensuring effective monitoring and reporting of grave violations by armed forces and groups in Somalia. Participants also recognized that AMISOM should be cognizant of child protection concerns during its operations. The participants recommended the inclusion of a child protection adviser within AMISOM to mainstream child protection concerns in its operations.

IV. Recommendations

18. Based on the discussions in the two sessions of the workshop, the following key recommendations were identified by the workshop organizers for taking action against persistent perpetrators of violations against children in situations of armed conflict and for better mainstreaming concerns relating to children and armed conflict:

A. Recommendations to the Security Council

(a) Ensure an adequate child protection mandate and request timely and sufficient child protection capacity in all relevant missions authorized by the Security Council, including peacekeeping and special political missions, with a specific focus on monitoring and reporting of violations and support to action plan conclusion and implementation;

(b) Incorporate a children and armed conflict dimension in the terms of reference and reports of all Security Council field visits;

(c) Include violations against children as designation criteria in all relevant sanctions committees and consider options for extending the sanctions regimes to other situations of armed conflict involving violations against children;

(d) Subject individuals responsible for violations to sanctions and include references to violations against children in the review of narrative summaries issued by sanctions committees;

(e) Invite the Special Representative of the Secretary-General for Children and Armed Conflict to regularly brief all relevant sanctions committees.

B. Recommendations to the Working Group on Children and Armed Conflict

(a) Make better use of field trips, press conferences and press statements by the Chair of the Working Group, to draw attention to violations against children and to the work of the Working Group;

(b) Request written feedback from all parties concerned on steps taken to implement recommendations contained in Working Group conclusions;

(c) In its consideration of options to increase pressure on persistent perpetrators, review the use and effectiveness of its toolkit, with a specific focus on which tools have proved or could prove most effective in inducing compliance by different types of perpetrators;

(d) Invite briefings, in person or via video link, from the relevant Resident Coordinator or Special Representative of the Secretary-General for a given country on the situation in relation to perpetrators, including efforts made and challenges encountered in action plan implementation and conclusion;

(e) Transmit conclusions to the chairs of relevant sanctions committees and to the International Criminal Court Prosecutor.

C. Recommendations to Member States

(a) Mainstream children and armed conflict within foreign ministries and related Government agencies, encouraging in particular the use of bilateral diplomacy and conditionality in development or military assistance to spur action plan conclusion and implementation;

(b) Establish a "group of friends" at the country level to target action plan conclusion and implementation through bilateral diplomacy;

(c) Support efforts to strengthen national accountability mechanisms, including the development of legislation criminalizing violations against children and building investigative and prosecutorial capacities, as well as disarmament, demobilization and reintegration programmes.

D. Recommendations to the Secretary-General

(a) Include children and armed conflict as a specific aspect of all country reports as requested in Security Council resolutions 1460 (2003), 1612 (2005), 1882 (2009) and 1998 (2011);

(b) Include a section on the impact of the Working Group's conclusions and recommendations in each country-specific report on the situation of children and armed conflict;

(c) Encourage all relevant Resident Coordinators and Special Representatives to prioritize the monitoring and reporting of violations against children and the conclusion and implementation of action plans;

(d) Ensure timely deployment of an adequate number of child protection advisers in all relevant United Nations peacekeeping, peacebuilding and political missions to support the monitoring and reporting of violations and action plan conclusion and implementation.

Enclosure

Checklist for drafting children- and armed conflict-friendly Security Council resolutions

(a) Reference all relevant children and armed conflict resolutions, reports and conclusions;

(b) Condemn and call for an end to all violations against children and for compliance with international humanitarian law and human rights law;

(c) Demand accountability for perpetrators;

(d) Encourage the conclusion and implementation of action plans to halt violations;

(e) Use sanctions to increase pressure on perpetrators of violations against children;

(f) Include specific provisions on the protection of children and the deployment of child protection advisers in all mission mandates;

(g) Call for compliance with international humanitarian law and human rights law by peacekeeping forces;

(h) Encourage support to disarmament, demobilization, repatriation, reintegration and resettlement for children associated with armed forces and armed groups;

(i) Include child protection concerns in peace processes;

(j) Request specific reporting by the Secretary-General on children and armed conflict in all country reports.